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Today's Date: March 2, 2005

To: Examiner S. Crane, Art Unit: 2811

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From: Frederick E. Cooperrider #36,769
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MAR 02 2005

In re Application of Newns et al

Serial No.: 10/648,346

For: A GRADIOMETER-BASED FLUX QUBIT FOR QUANTUM COMPUTING AND
METHOD THEREFOR

Contents: 1. Copy of Revised Claim Section of Amendment filed January 28, 2005, as
corrected to have "Original", rather than "Original Claim" (6 pages)
2. Copy of Notice of Non-Compliant Amendment (2 pages)

Examiner Crane:

Attached is a copy of the Notice of Non-Compliant Amendment dated 2/16/05. As best understood, the claim amendments filed in the Amendment filed January 28, 2005, is considered as "non-compliant" because the status was listed as "Original Claim" rather than "Original". The attached listing corrects this status listing.

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 this Response to the Notice of Non-Compliant Amendment to Examiner S. Crane on March 2, 2005.



Frederick E. Cooperrider
Reg. No. 36,769



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,346	08/27/2003	Dennis M. News	YOR920030106US1	3440
21254 7590 02/16/2005				
MCGINN & GIBB, PLLC				
8321 OLD COURTHOUSE ROAD				
SUITE 200				
VIENNA, VA 22182-3817				
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EXAMINER				
CRANE, SARA W				
ART UNIT				
2811				
PAPER NUMBER				

Please find below and/or attached an Office communication concerning this application or proceeding.



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-28-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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Legal Instruments Examiner (LIE)

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Rev. 6/04